IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.1391 OF 2007

Avtarsingh Harnamsingh Sethi. ..Petitioner.
Versus
1. The State of Maharashtra, &
2. Mr.Upendra Lattou Das. ..Respondents.

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Mr.V.Z.Kankaria, Adv. for the Petitioner.
Mr.M.S.Mhambre, APP, for the State.

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CORAM : R.M.S.KHANDEPARKAR AND SMT.V.K.TAHILRAMANI,JJ.

DATED : SEPTEMBER 03, 2007.

P.C.:-

1. Heard.

2. The only grievance which is sought to be made by the petitioner is that in case the Car is seized by the police authorities, it takes long period to get necessary order from the Magistrate under Section 451 of the Criminal Procedure Code. It is further his case that the respondent No.2 had surrendered the possession of the Car on account of failure on his part to pay the consideration price of the Car and it is not a stolen Car as is sought to be alleged by the Respondent No.2.

3. It would be too premature for this Court

to express any opinion on the various contentions sought to be raised in the matter. The petitioner can seek necessary relief from the learned Magistrate in case the Car in question is seized by the police by approaching the learned Magistrate under Section 451 of Criminal Procedure Code. Needless to say that in case the Car is seized by the police and the application is filed by the petitioner before the concerned Magistrate, the learned Magistrate shall dispose of the same as expeditiously as possible and in any case within two weeks from the date of filing of the application.

4. With the above observations, the Petition is disposed of without expressing any opinion on any of the issues sought to be raised in this Petition.

[R.M.S.KHANDEPARKAR,J.]

[SMT.V.K.TAHILRAMANI,J.]